
SCHWERIN CAMPBELL BARNARD LLP

18 WEST MERCER STREET □ SUITE 400 □ SEATTLE □ WASHINGTON 98119
(206) 285-2828 □ (800) 238-4231(WA) □ FAX (206) 378-4132 □ scb@workerlaw.com

ROBERT H. LAVITT
lavit@workerlaw.com

November 3, 1999

VIA EMAIL & REGULAR MAIL

Carole Washburn, Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive S.W.
Olympia, WA 98504-7250

Re: IUOE 612's Motion to Intervene in Proposed sale of the Centralia power
plant and mine
Docket Nos. UE-991262 (PacifiCorp)
UE-991255 (Avista)
UE-991409 (Puget Sound Energy)
Our File No. 3210-046

Dear Ms. Washburn:

Petitioner International Union of Operating Engineers Local 612 ("Local 612" or "the Union") submits this post-hearing letter in support of its Petition to Intervene in the above captioned matters and specifically in response to Commission Staff Counsel's opposition at the pre-hearing conference on Thursday, October 28, 1999.

Two recent Commission decisions support Local 612's petition: *PacificCorp and Scottish Power PLC*, Docket No. UE-981627, Third Supplemental Order on Prehearing Conference (April 2, 1999), p. 4; and *Puget Sound Power & Light Company*, Docket Nos. UE-951270 & UE-960195, Second Supplemental Order On Prehearing Conference (May 23, 1996), p. 3. In both, the Commission granted leave to petitioning labor unions to intervene in matters before the Commission. Accordingly, Local 612 requests the Commission to grant the instant petition and permit IUOE, Local 612 to intervene in the above captioned applications.

The Commission has previously addressed the issue of whether to permit labor unions to intervene under WAC 480-09-430(3). Under that regulation, the Commission may grant the petition to intervene if the "petition discloses a substantial interest in the subject matter of the hearing, or if the participation of the petitioner is in the public interest" (emphasis added). A petitioner need only meet one of these tests.

Carole Washburn
November 3, 1999
Page Two

In applying WAC 480-09-430, the Commission has granted petitions to intervene by labor unions in previous similar matters. Applicants in *PacificCorp and Scottish Power, supra*, sought approval of a proposed merger and transfer of property application involving the Centralia power plant and coal mine (the same facility at issue in the instant applications). The Commission granted Local 612's petition to intervene in that case, and allowed the unions to offer input on issues "regarding safety and the adequacy of the merger plan to meet customers' needs." *Id.* at 4. Similarly, in *Puget Sound Power & Light Company, supra*, the Commission, over Staff Counsel's objection, granted the petitions to intervene filed by various interested labor unions. The Commission should apply this same principle to the instant petition and permit Local 612 to intervene.

Local 612 has a substantial interest in the application for approval to sell the Centralia power plant and coal mine, and Local 612's participation is in the public interest. The Union represents the interests of the Centralia mineworkers, their families and communities. No other party is wholly and directly accountable to the men and women working at the Centralia mine, nor in a position to safeguard their interests and well being, especially with respect to issues of safety and operations. In fact, Local 612 has considerable expertise in all aspects of coal mine operation and has worked with this Commission, as well as other federal and state agencies in the past. These proceedings will benefit from the Union's independent and experienced perspective around issues of mine safety and operation. Additionally, Local 612's members are ratepayers and consumers throughout Lewiston and Thurston Counties.

For all of the foregoing reasons, Local 612 respectfully urges this Commission to grant the Union's Petition to Intervene.

Sincerely,

Robert H. Lavitt
Attorney for IUOE, Local 612

Cc: Marjorie Schaer, ALJ
Parties